REMARKS

This Amendment is submitted in response to the Examiner's Action mailed June 24, 2004, with a shortened statutory period of three months set to expire September 24, 2004. Claims 1-38 are currently pending. With this amendment, claims 1, 3-6, 9, 12-16, 21-22, 24-27, 30, 33-35, and 37-38 have been amended.

The Examiner objected to the title of the invention. The title has been amended. This rejection is believed to be overcome by the amendment to the title.

The Examiner rejected claims 1-38 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,738,821 issued to *Wilson*. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

Applicants have amended the claims to describe sending a request for particular data from a requestor. This request includes an identification of a particular amount of available processing space at the requestor. The particular amount of available space is capable of holding a particular amount of data.

The particular data is divided into a plurality of separate distinct groups of data packets by a responder. Each group of data packets is capable of transferring no more than the particular amount of data. In response to the request for the particular data, one of the groups of data packets is received each time the amount of available processing space is free. The data in each one of the groups of data packets fits within the amount of available processing space.

Wilson describes an Ethernet storage protocol. Data that is to be transmitted is transmitted in one single stream of data where the data is put into packets and transmitted to a receiver. The receiver then sends an acknowledgement back to the transmitter. This acknowledgement includes a sequence number of the last successfully received packet. This acknowledgement may also include a window value that is stored in the acknowledgment field. The window value indicates the largest sequence number that the receiver can fit into its buffer space.

Applicants describe sending a request from a requestor for particular data to a responder. This request for data includes an identification of the particular amount of available space in the requestor. The available space is capable of holding a particular

amount of data. *Wilson* does not teach a request for particular data where the request itself indicates the particular amount of available space in the requestor. In *Wilson*, an acknowledgement of a received packet includes this window value. Therefore, the window value is not included in a request for particular data. *Wilson* does not teach a request for particular data that includes an indication of a particular amount of available space.

Applicants describe the responder dividing the requested particular data into separate, distinct groups of packets where each group is capable of transferring no more than the particular amount of data. *Wilson* does not teach the responder dividing the data into groups of packets. *Wilson* teaches the responder transmitting a single data stream of packets. Each packet in the data stream holds part of the data. However, the packets themselves are not divided into any type of groups. Further, the packets are not divided into groups by the responder. The data is transmitted in one stream. This stream may start and stop according to whether packets where received properly or packets were dropped. This starting and stopping, however, does not define different groups of packets.

The single stream may also be halted while space becomes available in the receiver. Halting the stream also does not divide the stream into separate distinct groups of packets. Applicants claim an affirmative step that the responder takes to divide the requested data into separate groups of packets. Nothing in *Wilson* teaches the responder dividing the single data stream into groups of data packets. The data is placed into data packets for transmission because each packet can only hold a particular amount of data, but the data packets themselves are not grouped. Further, they are not grouped by the responder. This data is then transmitted to the receiver in a single data stream until either the data is received or an error occurs.

The data is divided into the groups of data packets such that each group of packet is capable of transmitting no more than the particular amount of data. *Wilson* does not teach dividing the data into groups of packets such that each group is any particular size.

Wilson teaches that the window value may change. Once the transmission of the single data stream resumes when the receiver is again able to receive data, these subsequent transmissions may be of a different amount of data. According to Applicants'

claims, a group of packets is received each time the same particular amount of available space becomes free. This available space is the particular amount of space. This particular amount of space is capable of holding the particular amount of data. In *Wilson*, the size of the window may change. *Wilson* teaches, for example, that the window may be zero. In Applicants' claims, the available space is the particular amount. Each time this particular amount becomes free, a group of packets is received.

Wilson does not describe, teach, or suggest Applicants' claims. *Wilson* does not describe, teach, or suggest sending a request for particular data from a requestor where the request itself includes an identification of a particular amount of available processing space at the requestor. *Wilson* does not describe, teach, or suggest the responder dividing the requested particular data into a plurality of separate distinct groups of data packets. *Wilson* does not describe, teach, or suggest dividing the requested particular data into groups of packets where each group is capable of transferring no more than the amount of data. *Wilson* does not describe, teach, or suggest receiving one of the groups each time the particular amount of available processing space is free.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 09-24-04

Respectfully submitted,

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